

109TH CONGRESS  
1ST SESSION

# H. R. 1395

To amend the Controlled Substances Act to provide a minimum mandatory prison sentence for manufacturing methamphetamine on properties where children reside, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Ms. HOOLEY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend the Controlled Substances Act to provide a minimum mandatory prison sentence for manufacturing methamphetamine on properties where children reside, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protection of Children  
5       from Methamphetamine Act of 2005”.

1 **SEC. 2. NEW MINIMUM MANDATORY SENTENCE.**

2 (a) IN GENERAL.—The Controlled Substances Act is  
3 amended by inserting after section 419 (21 U.S.C. 860)  
4 the following:

5 “MINIMUM MANDATORY PENALTY FOR MANUFACTURE OF  
6 METHAMPHETAMINE ON PREMISES WHERE CHIL-  
7 DREN RESIDE

8 “SEC. 419a. Whoever violates section 401(a)(1) by  
9 manufacturing methamphetamine or its salts, isomers or  
10 salts of isomers on premises in which an individual who  
11 is under the age of 18 years resides, shall, unless a higher  
12 minimum mandatory imprisonment applies, be imprisoned  
13 for not less than 20 years.”.

14 (b) CLERICAL AMENDMENT.—The table of contents  
15 of the Comprehensive Drug Abuse Prevention and Control  
16 Act of 1970 is amended by inserting after the item relat-  
17 ing to section 419 the following new item:

“419a. Minimum mandatory penalty for manufacture of methamphetamine on  
premises where children reside.”.

18 **SEC. 3. STUDY REGARDING HEALTH EFFECTS ON CHIL-**  
19 **DREN OF EXPOSURE TO PROCESS OF UNLAW-**  
20 **FUL MANUFACTURE OF METHAMPHETAMINE.**

21 (a) IN GENERAL.—With respect to the unlawful man-  
22 ufacturing of methamphetamine, the Secretary of Health  
23 and Human Services shall conduct a study for the purpose  
24 of determining—

1           (1) to what extent food, water, air, soil, equip-  
2           ment, or other matter becomes contaminated with  
3           methamphetamine or other harmful substances as a  
4           result of the proximity of the matter to the process  
5           of such manufacturing; and

6           (2) whether any adverse health conditions result  
7           from the exposure of children to such process or to  
8           contaminated matter within the meaning of para-  
9           graph (1).

10          (b) REPORT TO CONGRESS.—Not later than one year  
11 after the date of the enactment of this Act, the Secretary  
12 of Health and Human Services shall complete the study  
13 under subsection (a) and submit to the Congress a report  
14 describing the findings of the study.

15 **SEC. 4. GRANTS FOR PROGRAMS FOR DRUG-ENDANGERED**  
16 **CHILDREN.**

17          (a) IN GENERAL.—The Secretary of Health and  
18 Human Services, in collaboration with the Attorney Gen-  
19 eral, shall make grants to eligible States for the purpose  
20 of carrying out programs to provide a comprehensive re-  
21 sponse to the health and mental health problems of chil-  
22 dren that are associated with living in a home in which  
23 methamphetamine is unlawfully manufactured, adminis-  
24 tered, or distributed. Such health problems include expo-  
25 sure to food, water, air, soil, equipment, or other matter

1 that has become contaminated with methamphetamine or  
2 other harmful substances as a result of the proximity of  
3 the matter to such unlawful manufacturing.

4 (b) ELIGIBLE STATE.—A State is an eligible State  
5 for purposes of subsection (a) if the State had more than  
6 200 methamphetamine lab seizures in 2004, as reported  
7 by the National Clandestine Laboratory Database.

8 (c) CERTAIN REQUIREMENTS.—The Secretary of  
9 Health and Human Services shall ensure that the proce-  
10 dures and services of programs carried out with grants  
11 under subsection (a) include the following:

12 (1) Coordination among law enforcement agen-  
13 cies, prosecutors, child protective services, and  
14 health professionals.

15 (2) Removal of children from toxic or drug-en-  
16 dangering environments.

17 (3) Medical and dental health evaluation and  
18 services, drug and toxic chemical exposure screening,  
19 and mental health evaluation and services.

20 (d) AUTHORIZATION OF APPROPRIATIONS.— For the  
21 purpose of carrying out this section, there are authorized  
22 to be appropriated \$20,000,000 for each of the fiscal years  
23 2006 and 2007. Amounts appropriated under the pre-  
24 ceding sentence shall remain available until expended.

○